

Serial No. 09/763,360

Amendment Dated: November 30, 2005

Reply to Office Action Mailed: August 30, 2005

Attorney Docket No. 3036/49686

REMARKS

Applicants acknowledge the allowance of Claims 29-31, 34 and 35 as set forth in item 8 of the Office Action, as well as the indication of the allowability of the subject matter of Claims 32 and 33, as set forth in item 9. In particular, the latter claims would be allowable if amended to overcome the rejection under 35 U.S.C. § 112, second paragraph. For the reasons set forth hereinafter, Applicants respectfully submit that Claims 32 and 33 are now allowable.

Claims 32-34 have been rejected under 35 U.S.C. § 112, second paragraph for allegedly failing to particularly point out and distinctly claim the invention, based on certain formal issues cited by the Examiner in items 1 and 2 of the Office Action. In response to this ground of rejection, Applicants have cancelled Claim 34, and have amended Claim 33 in a manner which addresses and is believed to resolve the cited issues. In particular, Claim 33 now refers to "a predefined signal that is stored in the acoustically activated device". Accordingly, Applicants respectfully submit that Claim 33 is now clear and definite.

With regard to Claim 32, Applicants note that the phrase "a human detachable output unit" does not appear in the claim. Rather, line 8 contains the phrase "a human detectable output unit". Applicants respectfully submit that

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this language is easily understood as indicating an output unit that generates a human intelligible output. Nevertheless, in order to clarify this point, without altering the scope of the language, Applicants have revised Claim 32 to recite “an output unit for generating a human intelligible output”. Accordingly, it is also believed to be clear and definite. Finally, the spelling of the word “analog” has been changed in Claim 26 to accord with U.S. usage.

Claims 21, 23-28 and 36 have been rejected under 35 U.S.C. §102(e) as anticipated by Satake et al (Published U.S. Patent Application No. 2001/0035917 A1), while Claims 22 and 26 have been rejected under 35 U.S.C. §103(a) as unpatentable over Satake et al in view of Ely (Published U.S. Patent Application No. 2001/0006369 A1). However, for the reasons set forth hereinafter, Applicants respectfully submit that neither of the cited references constitutes prior art which either anticipates or renders obvious the present invention.

As an initial matter, Applicants note that the present application claims priority under 35 U.S.C. § 119 based on UK patent application No. 9828101.7 filed December 21, 1998. A claim of priority is contained in the declaration and power of attorney submitted with the Missing Parts for this application on August 9, 2001. Moreover, both the Notification of Missing Requirements mailed June 15, 2001 and the Notice of Acceptance of Applicant mailed August 22, 2001 acknowledge that the U.S. Patent and Trademark Office has received the

priority document from the International Bureau. (A copy of the certified priority documents for both priority applications for the present application is attached hereto, for the Examiner's convenience.) Accordingly, Applicants' claim of priority has been perfected.

In addition, it is also noted that the priority date for this application, December 21, 1998 precedes the U.S. filing dates of both of the cited publications, Satake et al (filed February 23, 2001) and Ely (filed February 6, 2001 as a continuation-in-part of Application Serial No. 09/220,354, filed December 24, 1998). Accordingly, neither of the cited references constitutes prior art with regard to the present application.

Although further discussion of the references is unnecessary, for the reasons set forth above, Applicants note that neither of the two cited patents anticipates or renders the present invention obvious.

Satake et al in particular discloses a display apparatus which is loaded with information (which may be predefined, as in the first embodiment described). The display apparatus in Satake et al, however, delivers the stored information as a visual representation, or as an acoustically propagated signal, in response to a user's operation of a switch. (See, for example, paragraphs [0030] through [0032].) In particular, nothing in Satake et al teaches or suggests the display of predetermined information in response to "reception of predefined

acoustically propagated data broadcast by a commercial broadcast source" as recited in Claim 21. Similarly, Satake et al also neither teaches nor suggests the method according to Claim 29 in which predefined information is displayed "when said received acoustically propagated signal matches [a] predefined signal", as recited in Claim 29.

The Ely reference, on the other hand is relied upon only to show that portable devices are known to have analog to digital interfaces and programmable digital processes. The latter is not in dispute, but becomes irrelevant in view of the matters set forth above with regard to Satake et al. That is, nothing contained in Ely suggests a modification of Satake et al in which predefined human intelligible output signals are generated in response to reception of predefined acoustically propagated data, as discussed above. Accordingly, Applicants respectfully submit that the present invention as defined in Claims 21-28 and 36 distinguishes over the Satake et al and Ely.

In light of the foregoing remarks, this application should be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

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If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #038819.49686).

Respectfully submitted,



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